

**For information****Bills Committee on Town Planning (Amendment) Bill 2003****Statistics on Planning Applications and Impacts on Meeting Time  
if the Applicants or the Applicants and “Commenters” are Allowed to  
Attend Town Planning Board Meetings****Purpose**

At the Bills Committee meetings held on 28 November 2003 and 3 December 2003, the Administration was requested:

- (a) to compile statistics on the number and percentage of applications for planning permission which were approved by the Town Planning Board (TPB) with conditions, and of which a review was lodged under section 17 of the Town Planning Ordinance (“the Ordinance”); and
- (b) to assess the qualitative and quantitative impacts in terms of the processing/meeting time for the applications for **planning permission** and **amendment of plan** that may be increased and the resources required -
  - (i) if the applicants are allowed to attend TPB meetings at which their applications are considered;
  - (ii) if the applicants are provided with a right to be heard by the TPB; and
  - (iii) if both the applicants and “commenters” are provided with a right to be heard by the TPB.

This paper provides the requested information.

**Existing System and Proposals of the Bill****(a) *Application for amendment of plan***

2. Under the existing Ordinance, there is no provision for applications for amendment of plan. Nevertheless, to provide flexibility to the public in

initiating changes to plans, the TPB has adopted administrative means to consider this kind of applications in the absence of the applicants. There is no review hearing for these applications.

3. To further enhance public participation in the planning process, a new provision is included in the Bill (under section 12A) for applications for amendment of plan. Under this new provision, the applicant for amendment of plan is allowed to be heard when his/her application is considered by the TPB.

***(b) Application for planning permission***

4. Under section 16 the existing Ordinance, the applications for planning permission are considered by the TPB *in the absence of the applicants*. If an applicant disagrees with the decision of the TPB and subsequently lodges a review under section 17 of the Ordinance, he/she will have a right to be heard in the TPB meeting when his/her review is considered.

**Opening up of TPB Meetings**

5. In order to enhance the transparency of its work, the TPB has discussed the issue of “opening up” at its meeting on 16 January 2004 and agreed to open up its future meetings to the public, including the meetings (except for the deliberation part)<sup>1</sup> for considering section 16 applications and applications for amendment of plans proposed under section 12A of the Bill. The proposal would be further discussed at the LegCo Panel on Planning, Lands and Works on 27 January 2004. If the proposal is implemented, members of the public (including the applicants) would be allowed to attend the TPB meetings. Implementation of this proposal would necessitate an amendment to the Ordinance to remove the provision that section 16 applications should be considered in the absence of the applicants as it is illogical for such meetings to be opened to the public but applicants’ attendance is prohibited.

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<sup>1</sup> The TPB meetings for considering section 16 applications are divided into two parts. The first part includes a presentation by the concerned District Planning Officer and question and answer session. The TPB has agreed to open up this part of the meeting to enhance transparency. The second part is a deliberation by the TPB which will continue to be held in private. As for application for amendment of plan under section 12A of the Bill, similarly, the TPB meetings are divided into two parts. The first part includes presentations by the applicant and the concerned District Planning Officer and question and answer session, which the TPB has agreed to open up. The second part is deliberation by the TPB in private.

## **Statistics on Planning Applications**

6. The number of planning applications considered by the TPB in 2002 and their results are shown in **Annex 1**. Out of the 647 applications considered by the TPB, 67 involve a review under section 17. A breakdown of these review cases is also shown in **Annex 1**.

## **Consideration Time for Planning Applications and Applications for Amendment of Plan**

7. There is no detailed record of the amount of time spent by the TPB to consider each of these applications. Based on the meeting minutes and the experience of the TPB Secretariat, an estimate is set out in **Annex 2**.

## **Impact on Consideration Time**

8. As requested by the Bills Committee, we have analysed the possible increase in the meeting time under the various situations listed in paragraph 1 above. The results of our analysis are shown in **Annex 3**.

## **Conclusion**

9. As mentioned in paragraph 5 above, the public (including the applicants) will have the right to attend the TPB meetings (except for the deliberation part) for considering applications for planning permission (under section 16) and for amendment of plan (under section 12A). As for the right to be heard, as mentioned above, the Bill has included a provision for applicants for amendment of plan to attend and to be heard at the concerned TPB meeting. Even though this would have an impact on the processing time of such applications (as shown in Annex 3), we believe the TPB can cope with the increase in meeting time because of the relatively small number of applications received in a year.

10. For applications for planning permission (under section 16), the impact of allowing the applicants and the commenters to be heard would be significant (more than three times increase of the existing time required) because of the large number of applications received each year. As shown in Annex 1, over 70% of the applications were approved when the application was first

considered by the TPB in the absence of the applicants. Besides, under the existing Ordinance, the applicant would still have an opportunity to be heard by the TPB if he/she disagrees with the TPB's decision and lodge a review under section 17. In view of the need to ensure efficiency, we consider that allowing the applicant to attend the TPB meeting (but not to be heard) when his/her application is first considered by the TPB under section 16 would best attain the balance between enhancing transparency and ensuring efficiency.

**Housing, Planning and Lands Bureau**  
**Planning Department**  
**January 2004**

**Planning Applications Considered by the TPB in 2002**

|   | No. of applications<br>(No. of applications for which a<br>s.17 review is subsequently lodged) |
|---|--|
| Total number of applications considered | 647 (67)   |
| - Approved with conditions              | 442 (2)  |
| - Approved without conditions           | 47 (0)   |
| - Rejected                              | 158 (65)   |

Annex 2

**Time Spent by the TPB for Considering Planning Applications and Applications for Amendment of Plans in 2002**

|  | No. of Cases | Estimated Time<br>(in hour) |
|--|--------------|-----------------------------|
| Application for Planning Permission and Review |              |                             |
| - Application under section 16                 | 647          | 75                          |
| - Review under section 17                      | 67           | 65                          |
| Total  | ---          | 140                         |
| Application for Amendment of Plan              | 23           | 11.5                        |

**Impact of the time required by the TPB for Considering Applications for Amendment of Planning and Planning Permission if the Applicants and “Commenters” are Allowed to Attend or to be Heard at the TPB Meetings**

Our general view is that -

- (a) If the applicant is allowed to attend the TPB meeting, additional time has to be allowed for arranging each applicant to attend the meeting when his/her application is under discussion by the TPB.
- (b) If the applicant and/or commenter is allowed to attend and to be heard at the TPB meeting, the existing consideration process under section 16 and review hearing process under section 17 for applications for planning permission would be combined into a single process.

2. If the applicant is allowed to attend and to be heard at the TPB meeting, time has to be allowed for making presentation by the applicant and raising questions by TPB members on each application (regardless of whether the application is recommended for approval or rejection). Based on our experience in handling review hearings under section 17, it is estimated that the average time required by the TPB to consider an application would be:

- (i) for an application for planning permission (under section 16) :  
24 minutes for approved cases and 60 minutes for rejected cases;
- (ii) for an application for amendment of plan (under section 12A) :  
60 minutes

3. If both the applicant and the “commenters” are allowed to attend and be heard at the TPB meeting, we assume that, for fairness’ sake, equal time should be provided for making representations by the applicant and the “commenters” (regardless of the number of commenters). It is anticipated that more time would also be allowed for raising questions by TPB members. Accordingly, the estimated average time required for considering an application would be:

- (i) for an application for planning permission (under section 16) :  
45 minutes for approved cases and 90 minutes for rejected cases;
- (ii) for an application for amendment of plan: 90 minutes.

4. Based on the statistics on number of applications considered in 2002 and the assumptions above, we have worked out the estimated time required for the TPB to consider applications for planning permission and amendment of plan in different situation, which is shown in the table below.

| Nature of Application                  | No. of Cases | Estimated Time Required (in hour) |   |   |   |
|--|--------------|-----------------------------------|---|---|---|
|  |              | Existing System                   | Applicant allowed to attend but not to be heard | Applicant allowed to attend and to be heard | Applicant & commenter allowed to attend and to be heard |
| Planning permission (under section 16) | 647          | 140                               | 143<br>(2%)                                     | 354<br>(150%)                               | 604<br>(330%)   |
| Amendment of plan (under section 12A)  | 23           | 11.5                              | 11.7<br>(2%)                                    | 24.0<br>(100%)                              | 35.0<br>(200%)  |

Note: Figures in brackets are the percentage of increase in time when comparing with the existing system.